

IN RE: AMENDMENT OF IDAHO )  
CRIMINAL RULE (I.C.R.) 25(a)(8) )  
\_\_\_\_\_ )

ORDER

The Court having reviewed a recommendation from the Administrative Conference for an amendment to the Idaho Criminal Rules pertaining to disqualification of a judge, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED, that Rule 25 of the Idaho Criminal Rules shall be amended as follows:

**Rule 25. Disqualification of judge.**

(a) **Disqualification of judge without cause.** In all criminal actions, except actions before drug courts or mental health courts, the parties shall each have the right to one disqualification without cause of the judge or magistrate, except as herein provided, under the following conditions and procedures:

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(8) **Hearings by new judge.** If the presiding judge or magistrate is disqualified ~~is~~ under this Rule and the newly appointed judge or magistrate resides in a county other than the county where the action is filed, then all hearings on motions and evidentiary hearings, except the primary trial of the action, can be heard by the newly appointed judge or magistrate in another county within the judicial district, at the discretion of the new presiding judge or magistrate.

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DATED this 28<sup>th</sup> day of August, 2008.

By Order of the Supreme Court

\_\_\_\_\_/s/\_\_\_\_\_  
Daniel T. Eismann  
Chief Justice

ATTEST: \_\_\_\_\_/s/\_\_\_\_\_  
Stephen W. Kenyon, Clerk